

ATTACHMENT -  
AFFIDAVIT UNDER 37 CFR § 1.132  
of Sunita Sule



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Amar LULLA, et al.

Art Unit: 3761

Serial No. 09/857,707

Examiner: T. Mitchell

Filed: June 8, 2001

For: SPACER DEVICE FOR INHALER

AFFIDAVIT UNDER 37 CFR § 1.132

The Honorable Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

RECEIVED

AUG 13 2003

Sir:

TECHNOLOGY CENTER R3700

I, SUNITA SULE, declare to the following.

1. I am familiar with the specification of U.S. Application No. 09/857,707 (the '707 Application) and International Publication No. 93/111817.
2. Under my direction, an Aerodynamic assessment test, as described in the '707 Application, of the fine particle fraction as per BP Addendum 1996 using apparatus A and ten doses was conducted.
3. The following table is an accurate representation of the data resulting from the above-described test, when the different materials are used for the spacer:

<u>Material</u>	<u>Respirable Fraction</u>
Polycarbonate	40-50%
Polypropylene	50%
Polyamide	65%

4. The above table demonstrates that when polyamide is used as the material for the spacer, an unexpectedly superior property results.

5. It is my belief that other polyolefins, such as polyethylene, would give results similar to, or not as good as, that obtained for polypropylene.
6. I, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the this application or of any reissue patent to issue thereon.

A handwritten signature in dark ink, appearing to be "Hule", written over a horizontal line.

Date 14-10-2002.